

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

INGINIO HERNANDEZ,

Plaintiff

v.

ROMEO ARANAS, *et al.*,

Defendants

Case No. 2:22-cv-00234-JAD-VCF

ORDER

I. DISCUSSION

On February 9, 2022, this Court ordered Plaintiff to file a fully complete application to proceed *in forma pauperis* ("IFP application") or pay the full \$402 filing fee for a civil action on or before April 11, 2022. (ECF No. 3). On March 28, 2022, Plaintiff filed a document in which he appears to allege that law library staff is retaliating against him by not providing him complete paperwork for his application to proceed *in forma pauperis*. (ECF No. 4.)

On March 29, 2022, Plaintiff filed an incomplete application to proceed *in forma pauperis* that did not contain a complete financial certificate or a copy of Plaintiff's prison trust fund account statement for the previous six-month period. (ECF No. 5). Along with his incomplete application to proceed *in forma pauperis*, Plaintiff filed numerous kites in which he requests that inmate banking complete the necessary paperwork for his application to proceed *in forma pauperis*, as well as a document from the law library supervisor indicating that his requests were denied because he filled out the paperwork incorrectly. (ECF No. 5 at 6-24.) In particular, the document from the law library supervisor indicates that he marked that his case was both a civil rights case and a habeas corpus case, even though he is supposed to mark one or the other. (*Id.* at 6.)

As such, it appears that Plaintiff was not able to file the application to proceed *in forma pauperis* because he inadvertently filled out the paperwork incorrectly. Because it appears that an extension of the initial deadline and another court order are meaningful

alternatives to dismissal here, the Court will grant Plaintiff **one final opportunity** to submit a complete application to proceed *in forma pauperis* to the Court on or before **June 5, 2022**. See *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (providing that “district court need not exhaust every sanction short of dismissal before finally dismissing a case, but must explore possible and meaningful alternatives”).

II. CONCLUSION

For the foregoing reasons, IT IS ORDERED that the Clerk of the Court will send Plaintiff the approved application to proceed *in forma pauperis* by an inmate, as well as the document entitled information and instructions for filing an *in forma pauperis* application.

IT IS FURTHER ORDERED that on or before **June 5, 2022**, Plaintiff shall either: (1) file a fully complete application to proceed *in forma pauperis*, on the correct form with complete financial attachments in compliance with 28 U.S.C. § 1915(a); or (2) pay the full \$402 fee for filing a civil action (which includes the \$350 filing fee and the \$52 administrative fee).

IT IS FURTHER ORDERED that, if Plaintiff does not timely comply with this order, this case will be subject to dismissal without prejudice for Plaintiff to refile the case with the Court, under a new case number, when Plaintiff is able to submit a fully complete application to proceed *in forma pauperis* or pay the full \$402 filing fee for a civil action.

DATED: 4-5-2022


UNITED STATES MAGISTRATE JUDGE